

TUESDAY, FEBRUARY 22, 1994

OF THE COMMON COUNCIL

FOLLOWING MEMBERS _____ VIZ:

RAVINE Absent, SCHMIDT Absent, TALARICO Present.

_____ 19__

SPECIAL _____, 19____,

APPROVED AND PUBLISHED.

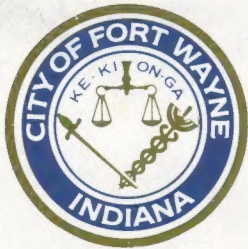
THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its Regular Session, held on 22nd day of February, 1994, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 25th day of February, 1994.

Sandra E. Kennedy
City Clerk



THE CITY OF FORT WAYNE



Paul Helmke
Mayor

31 January 1994

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a dedicated alley.

The proposed ordinance is designated as:

Bill No. G-93-11-08

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
31st day of January 1994.

Carol Kettler Sharp
Secretary

/pb

CC: File

FACT SHEET

G-93-11-08

**Division of Community
Development & Planning**

BILL NUMBER

BRIEF TITLE

Alley Vacation Ordinance

APPROVAL DEADLINE**REASON****DETAILS****Specific Location and/or Address**

North-South alley south of Hugh Street
between Ohio and McCulloch and north of
the 1st alley north of Eliza Street.

Reason for Project

Safety issues in neighborhood.

Discussion (Including relationship to other Council actions)

15 November 1993 - Public Hearing

Dorothy Mitchell, petitioner, 1422 Hugh Street appeared before the Commission. Ms. Mitchell stated that she has lived at this location since 1943 and now the neighborhood has changed. She stated that they use the alley as a "highway". She stated that it is not safe for the senior citizens that live in the area. She stated that this alley runs down the side of her home and her grandchildren play along this alley. She stated that when this property was purchased in 1943 the city told them that the alley was there for access to the houses on McCulloch Street in case of fire. She stated however it has become a public right-of-way and a traffic hazard to the senior citizens and children in the area.

There was no one else who spoke in favor of or in opposition to the proposed vacation

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents**Applicant(s)
Dorothy Mitchell

City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

**Staff
Recommendation**☒ For ☐ Against

Reason Against

**Board or
Commission
Recommendation**

By

☒ For ☐ Against
☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS**(For Council
use only)

☐ Pass ☐ Other
☐ Pass (as amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

ETAILS

22 November 1993 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation contingent upon the petitioner providing utility easements or relocations as needed.

Of the seven (7) members present, six (6) voted in favor of the motion, one (2) did not vote. Motion carried.

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start

Date 20 September 1993

Projected Completion or Occupancy

Date 31 January 1994

Fact Sheet Prepared by

Date 31 January 1994

Patricia Biancaniello

Date 7 February 1994

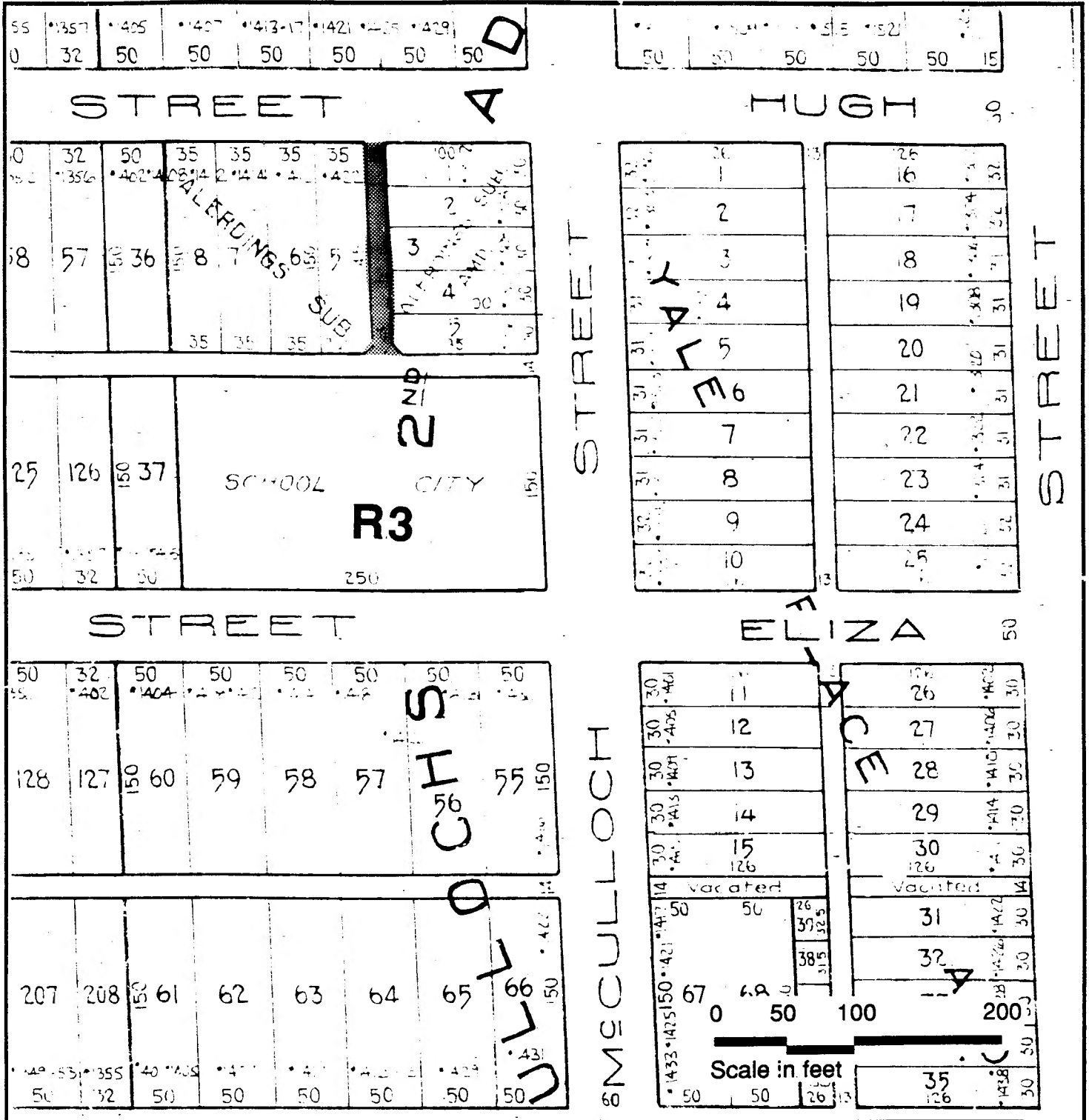
Reviewed by

Reference or Case Number

VACATION PETITION

AREA MAP

CASE NO. #551



COUNCILMANIC DISTRICT NO. 1

Map No.: O-2
LW 10-22-93

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
R / RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District	IA	Interchange Access

Dorothy M. Mitchell, requests the vacation of an alley.

Location: A north-south alley in the 400 block of Hugh Street. The alley runs from Hugh Street to the first east-west alley to the south.

Legal: See file

Land Area: Approximately 0.03 acres

Zoning: The area is zoned R-3

Surroundings:	North	R-3	Residential
	South	R-3	Residential
	East	R-3	Residential
	West	R-3	Residential

Reason for Request: Safety issues.

Neighborhood Assoc.: East Central Neighborhood Association

Neighborhood Plan: No comment.

Comprehensive Plan: No comment.

Landscape: No comment.

Planning Staff Discussion:

Mrs. Mitchell is the owner of the property on the west side of this alley as well as one of the properties on the east side. Her home is located on the lot to the west, and was built very close to the alley. She has a number of safety concerns because of the closeness of the alley. She is concerned with the safety of children and grandchildren who play in her yard, as well as the possibility of forced entry into her home since her rear door is so close to the alley. Noise from vehicles and people passing through the alley can also be disruptive, due to the closeness of her house.

With the concurrence of all other adjoining property owners, it does not appear that approval would negatively impact property values. There is an east-west alley that runs between McCulloch and Ohio Streets.

As close as Mrs. Mitchell's home is located to the alley it is easy to understand her concern for the safety of anyone on her property.

Staff has no objection to the vacation of the alley provided that the petitioners provide for utility easements or relocations as needed.

Recommendation: Conditional Approval, contingent upon the following: -

1) Petitioners must provide utility easements or relocations as needed, and

RESOLUTION 81-13-15

WHEREAS, DOROTHY M. MITCHELL has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated alley situated in Fort Wayne, Allen County, to-wit:

The 10 foot wide alley in Alerdings Sub-Lot 5 beside the house, 1422 Hugh Street. It runs north and south from Hugh Street to the city alley - east and west between McCulloch and Ohio Streets - South of 1422 Hugh Street property. Beginning at the Northeast corner of Lot #5 Alerding's Subdivision; south along the east property line of said Lot #5 to point of intersection with north right-of-way line of the east-west alley east to the southwest corner of Lot #5 of Alerding Subdivision and north along the west property lines of Lots 5, 4, 3, 2 and 1 of said addition east along the south right-of-way line of Hugh Street to the point of beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated alley hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated ***** or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

) SS:

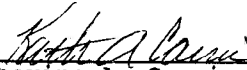
COUNTY OF ALLEN)

I, CHARLES E. LAYTON, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held 26 JAN 94 and as same appears of record in the official records of the Board of Public Works.

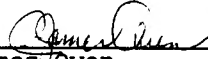
DATED THIS 26 DAY OF JANUARY 1994

FORT WAYNE BOARD OF PUBLIC WORKS


Charles E. Layton
Director of Public Works



Katherine A. Carrier
Member, Board of Public Works



C. James Owen
Member, Board of Public Works

RESOLUTION

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all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said public hearing was held on November 15, 1993 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated alley.

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated alley in Allen County, Indiana.

STATE OF INDIANA)

) SS:

COUNTY OF ALLEN)

I, Carol Kettler Sharp, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held, November 22, 1993 and as the same appears of record in the official records of said Plan Commission.

DATED THIS 31st DAY OF January 1994 .

FORT WAYNE CITY PLAN COMMISSION

Carol Kettler Sharp

Carol Kettler Sharp
Secretary



MEMORANDUM

TO: City Council Members

FROM: Gary Stair, *[Signature]* Director of Planning, Community and Economic Development

DATE: 31 January 1994

SUBJECT: Recommendation from Plan Commission

The attached right-of-way vacation has been reviewed by the Fort Wayne Plan Commission and forwarded to you for final action. The Plan Commission's recommendation on each case, made after public hearing and review, has been certified by the Commission's Secretary and is summarized on the attached "Fact Sheet".

Occasionally, there will be a significant delay between the time the petition is filed and when the Plan Commission certifies its recommendation and forwards the case to you. This delay occurs when a petition receives "Conditional Approval" -- approval subject to the petitioner fulfilling certain obligations. In such cases the Plan Commission's staff holds the petition until all conditions have been met by the petitioner. Once all conditions have been satisfied, the case is forwarded to you.

As always, if you have any questions concerning the attached cases, please do not hesitate to call me or the Land Use Management staff at 427-1140.

/pb

1. Vacation Petition - Bill No. G-93-11-08

Amendment: Alley Vacation Ordinance

Location: North-South alley south of Hugh Street between Ohio and McCulloch Streets and north of the last 1st East/West alley north of Eliza Street.

Applicant: Dorothy Mitchell

Proponents: Dorothy Mitchell, 1422 Hugh Street

Opponents: None

Summary of Discussion: This petition would allow for the alley to be closed and provide a safer environment for the area residents.

Staff Recommendation: Do Pass

Plan Commission Recommendation: Do Pass

Recommendation Given: November 22, 1993

Committee Session Date: The Committee Session date will depend upon the publication of the legal notice by Council staff.